

REMARKS

Claims 7 through 12 and 15 through 33 are now pending in this application. Claims 19 through 33 stand withdrawn. In response to the Office Action dated September 3, 2003, claims 7 and 15 have been amended. Care has been exercised to avoid the introduction of new matter. Favorable reconsideration of the application as now amended is respectfully solicited.

Claims 7 through 12 and 15 through 18 have been rejected under the second paragraph of 35 U.S.C. § 112 for lacking antecedent basis for the word "remainder" in claims 7 and 15. In response, claims 7 and 15 have been amended. It is submitted that these claims now fully comply with the requirements of 35 U.S.C. § 112.

Claims 7 and 15 are directed to a dummy memory cell structure for improving reliability of frequently accessed dummy memory cells. As shown, for example, in Figs. 55-59,) the dummy memory cell is formed of a plurality of tunnel magnetic resistive elements (dummy magnetic storage portions), and each tunnel magnetic resistive element is connected to in series with at least one of the other tunnel magnetic resistive elements. Accordingly, the voltage applied to the dummy memory cell is divided by a plurality of tunnel magnetic resistive elements connected in series, thereby improving reliability of the tunnel insulating film (second insulating film). Claims 7 and 15 have each been amended to recite that "each of said dummy magnetic storage portions is connected in series with at least another one of the plurality of dummy magnetic storage portions. The objectionable term "remainder" has been deleted.

No rejection has been made on the basis of prior art. As the only rejection of record has now been overcome, allowance of the application is respectfully solicited. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please

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charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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